



Senate

General Assembly

File No. 141

January Session, 2015

Substitute Senate Bill No. 1015

Senate, March 19, 2015

The Committee on Veterans' Affairs reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING PROGRAMS FOR VETERANS IN THE CRIMINAL JUSTICE SYSTEM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2015*) There is established a jail
2 diversion program for veterans that shall be developed and
3 administered by the Department of Mental Health and Addiction
4 Services. The purpose of the program is to divert or refer veterans who
5 are struggling with trauma-related symptoms from the criminal justice
6 system into treatment and recovery services. Such program shall be
7 modeled after the jail diversion program for veterans in the judicial
8 district of New London. A representative from the department
9 specializing in veterans' jail diversion shall be present in each
10 geographical area court facility of the state.

11 Sec. 2. Section 54-56l of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective from passage*):

13 (a) There shall be a supervised diversionary program for persons

14 with psychiatric disabilities, or persons who are veterans, who are
15 accused of a crime or crimes or a motor vehicle violation or violations
16 for which a sentence to a term of imprisonment may be imposed,
17 which crimes or violations are not of a serious nature. For the purposes
18 of this section, (1) "psychiatric disability" means a mental or emotional
19 condition, other than solely substance abuse, that (A) has substantial
20 adverse effects on the defendant's ability to function, and (B) requires
21 care and treatment, and (2) "veteran" means a person who is found,
22 pursuant to subsection (d) of this section, to have a mental health
23 condition that is amenable to treatment, and who was discharged or
24 released under conditions other than dishonorable from active service
25 in the armed forces as defined in section 27-103.

26 (b) A person shall be ineligible to participate in such supervised
27 diversionary program if such person (1) is ineligible to participate in
28 the pretrial program for accelerated rehabilitation under subsection (c)
29 of section 54-56e, as amended by this act, or (2) has twice previously
30 participated in such supervised diversionary program.

31 (c) Upon application by any such person for participation in such
32 program, the court shall, but only as to the public, order the court file
33 sealed, provided such person states under oath, in open court or before
34 any person designated by the clerk and duly authorized to administer
35 oaths, under penalties of perjury, that such person has not had such
36 program invoked in such person's behalf more than once. Court
37 personnel shall provide notice, on a form approved by rule of court, to
38 any victim of such crime or motor vehicle violation, by registered or
39 certified mail, that such person has applied to participate in the
40 program and that such victim has an opportunity to be heard by the
41 court on the matter.

42 (d) The court shall refer such person to the Court Support Services
43 Division for confirmation of eligibility and assessment of the person's
44 mental health condition. The prosecuting attorney shall provide the
45 division with a copy of the police report in the case to assist the
46 division in its assessment. The division shall determine if the person is

47 amenable to treatment and if appropriate community supervision,
48 treatment and services are available. If the division determines that the
49 person is amenable to treatment and that appropriate community
50 supervision, treatment and services are available, the division shall
51 develop a treatment plan tailored to the person and shall present the
52 treatment plan to the court.

53 (e) Upon confirmation of eligibility and consideration of the
54 treatment plan presented by the Court Support Services Division, the
55 court may grant the application for participation in the program. If the
56 court grants the application, such person shall be referred to the
57 division. The division may collaborate with the Department of Mental
58 Health and Addiction Services, the Department of Veterans' Affairs or
59 the United States Department of Veterans Affairs, as applicable, to
60 place such person in a program that provides appropriate community
61 supervision, treatment and services. The person shall be subject to the
62 supervision of a probation officer who has a reduced caseload and
63 specialized training in working with persons with psychiatric
64 disabilities.

65 (f) The Court Support Services Division shall establish policies and
66 procedures to require division employees to notify any victim of the
67 person admitted to the program of any conditions ordered by the court
68 that directly affect the victim and of such person's scheduled court
69 appearances with respect to the case.

70 (g) Any person who enters the program shall agree: (1) To the
71 tolling of the statute of limitations with respect to such crime or
72 violation; (2) to a waiver of such person's right to a speedy trial; and (3)
73 to any conditions that may be established by the division concerning
74 participation in the supervised diversionary program including
75 conditions concerning participation in meetings or sessions of the
76 program.

77 (h) If the Court Support Services Division informs the court that
78 such person is ineligible for the program and the court makes a
79 determination of ineligibility or if the division certifies to the court that

80 such person did not successfully complete the assigned program, the
81 court shall order the court file to be unsealed, enter a plea of not guilty
82 for such person and immediately place the case on the trial list.

83 (i) If such person satisfactorily completes the assigned program,
84 such person may apply for dismissal of the charges against such
85 person and the court, on reviewing the record of such person's
86 participation in such program submitted by the Court Support
87 Services Division and on finding such satisfactory completion, shall
88 dismiss the charges. If such person does not apply for dismissal of the
89 charges against such person after satisfactorily completing the
90 assigned program, the court, upon receipt of the record of such
91 person's participation in such program submitted by the Court
92 Support Services Division, may on its own motion make a finding of
93 such satisfactory completion and dismiss the charges. Except as
94 provided in subsection (j) of this section, upon dismissal, all records of
95 such charges shall be erased pursuant to section 54-142a. An order of
96 the court denying a motion to dismiss the charges against a person
97 who has completed such person's period of probation or supervision
98 or terminating the participation of a person in such program shall be a
99 final judgment for purposes of appeal.

100 (j) The Court Support Services Division shall develop and maintain
101 a database of information concerning persons admitted to the
102 supervised diversionary program that shall be available to the state
103 police and organized local police departments for use by sworn police
104 officers when responding to incidents involving such persons. Such
105 information shall include the person's name, date of birth, Social
106 Security number, the violation or violations with which the person was
107 charged, the dates of program participation and whether a deadly
108 weapon or dangerous instrument was involved in the violation or
109 violations for which the program was granted. The division shall enter
110 such information in the database upon such person's entry into the
111 program, update such information as necessary and retain such
112 information for a period of five years after the date of such person's
113 entry into the program.

114 (k) The Court Support Services Division, in consultation with the
115 Department of Mental Health and Addiction Services, shall develop
116 standards and oversee appropriate treatment programs to meet the
117 requirements of this section and may contract with service providers to
118 provide such programs.

119 (l) The Court Support Services Division shall retain the police report
120 provided to it by the prosecuting attorney and the record of
121 supervision including the dates of supervision and shall provide such
122 information to the court, prosecuting attorney and defense counsel
123 whenever a court is considering whether to grant an application by
124 such person for participation in the supervised diversionary program
125 for a second time.

126 (m) Not later than January 15, 2016, the Court Support Services
127 Division shall submit a report detailing the number of (1) veterans, and
128 (2) nonveterans who were admitted into the program or who were
129 denied admission into the program in the preceding calendar year to
130 the joint standing committees of the General Assembly having
131 cognizance of matters relating to veterans' and military affairs and the
132 judiciary, in accordance with the provisions of section 11-4a.

133 Sec. 3. Section 54-56e of the general statutes is repealed and the
134 following is substituted in lieu thereof (*Effective from passage*):

135 (a) There shall be a pretrial program for accelerated rehabilitation of
136 persons accused of a crime or crimes or a motor vehicle violation or
137 violations for which a sentence to a term of imprisonment may be
138 imposed, which crimes or violations are not of a serious nature. Upon
139 application by any such person for participation in the program, the
140 court shall, but only as to the public, order the court file sealed.

141 (b) The court may, in its discretion, invoke such program on motion
142 of the defendant or on motion of a state's attorney or prosecuting
143 attorney with respect to a defendant (1) who, the court believes, will
144 probably not offend in the future, (2) who has no previous record of
145 conviction of a crime or of a violation of section 14-196, subsection (c)

146 of section 14-215, section 14-222a, subsection (a) or subdivision (1) of
147 subsection (b) of section 14-224 or section 14-227a, and (3) who states
148 under oath, in open court or before any person designated by the clerk
149 and duly authorized to administer oaths, under the penalties of
150 perjury, (A) that the defendant has never had such program invoked
151 on the defendant's behalf or that the defendant was charged with a
152 misdemeanor or a motor vehicle violation for which a term of
153 imprisonment of one year or less may be imposed and ten or more
154 years have passed since the date that any charge or charges for which
155 the program was invoked on the defendant's behalf were dismissed by
156 the court, or (B) with respect to a defendant who is a veteran, that the
157 defendant has not had such program invoked in the defendant's behalf
158 more than once previously, provided the defendant shall agree thereto
159 and provided notice has been given by the defendant, on a form
160 approved by rule of court, to the victim or victims of such crime or
161 motor vehicle violation, if any, by registered or certified mail and such
162 victim or victims have an opportunity to be heard thereon. Any
163 defendant who makes application for participation in such program
164 shall pay to the court an application fee of thirty-five dollars. No
165 defendant shall be allowed to participate in the pretrial program for
166 accelerated rehabilitation more than two times. For the purposes of
167 this section, "veteran" means any person who was discharged or
168 released under conditions other than dishonorable from active service
169 in the armed forces as defined in section 27-103.

170 (c) This section shall not be applicable: (1) To any person charged
171 with a class A felony, a class B felony, except a violation of subdivision
172 (1), (2) or (3) of subsection (a) of section 53a-122 that does not involve
173 the use, attempted use or threatened use of physical force against
174 another person, or a violation of subdivision (4) of subsection (a) of
175 section 53a-122 that does not involve the use, attempted use or
176 threatened use of physical force against another person and does not
177 involve a violation by a person who is a public official, as defined in
178 section 1-110, or a state or municipal employee, as defined in section 1-
179 110, or a violation of section 14-227a, subdivision (2) of subsection (a)
180 of section 53-21, section 53a-56b, 53a-60d, 53a-70, 53a-70a, 53a-70b, 53a-

181 71, except as provided in subdivision (5) of this subsection, 53a-72a,
182 53a-72b, 53a-90a, 53a-196e or 53a-196f, (2) to any person charged with a
183 crime or motor vehicle violation who, as a result of the commission of
184 such crime or motor vehicle violation, causes the death of another
185 person, (3) to any person accused of a family violence crime as defined
186 in section 46b-38a who (A) is eligible for the pretrial family violence
187 education program established under section 46b-38c, or (B) has
188 previously had the pretrial family violence education program
189 invoked in such person's behalf, (4) to any person charged with a
190 violation of section 21a-267 or 21a-279 who (A) is eligible for the
191 pretrial drug education and community service program established
192 under section 54-56i, or (B) has previously had the pretrial drug
193 education program or the pretrial drug education and community
194 service program invoked on such person's behalf, (5) unless good
195 cause is shown, to (A) any person charged with a class C felony, or (B)
196 any person charged with committing a violation of subdivision (1) of
197 subsection (a) of section 53a-71 while such person was less than four
198 years older than the other person, (6) to any person charged with a
199 violation of section 9-359 or 9-359a, (7) to any person charged with a
200 motor vehicle violation (A) while operating a commercial motor
201 vehicle, as defined in section 14-1, or (B) who holds a commercial
202 driver's license or commercial driver's instruction permit at the time of
203 the violation, or (8) any person charged with a violation of subdivision
204 (6) of subsection (a) of section 53a-60.

205 (d) Except as provided in subsection (e) of this section, any
206 defendant who enters such program shall pay to the court a
207 participation fee of one hundred dollars. Any defendant who enters
208 such program shall agree to the tolling of any statute of limitations
209 with respect to such crime and to a waiver of the right to a speedy trial.
210 Any such defendant shall appear in court and shall, under such
211 conditions as the court shall order, be released to the custody of the
212 Court Support Services Division, except that, if a criminal docket for
213 drug-dependent persons has been established pursuant to section
214 51-181b in the judicial district, such defendant may be transferred,
215 under such conditions as the court shall order, to the court handling

216 such docket for supervision by such court. If the defendant refuses to
217 accept, or, having accepted, violates such conditions, the defendant's
218 case shall be brought to trial. The period of such probation or
219 supervision, or both, shall not exceed two years. If the defendant has
220 reached the age of sixteen years but has not reached the age of eighteen
221 years, the court may order that as a condition of such probation the
222 defendant be referred for services to a youth service bureau
223 established pursuant to section 10-19m, provided the court finds,
224 through an assessment by a youth service bureau or its designee, that
225 the defendant is in need of and likely to benefit from such services.
226 When determining any conditions of probation to order for a person
227 entering such program who was charged with a misdemeanor that did
228 not involve the use, attempted use or threatened use of physical force
229 against another person or a motor vehicle violation, the court shall
230 consider ordering the person to perform community service in the
231 community in which the offense or violation occurred. If the court
232 determines that community service is appropriate, such community
233 service may be implemented by a community court established in
234 accordance with section 51-181c if the offense or violation occurred
235 within the jurisdiction of a community court established by said
236 section. If the defendant is charged with a violation of section 46a-58,
237 53-37a, 53a-181j, 53a-181k or 53a-181l, the court may order that as a
238 condition of such probation the defendant participate in a hate crimes
239 diversion program as provided in subsection (e) of this section. If a
240 defendant is charged with a violation of section 53-247, the court may
241 order that as a condition of such probation the defendant undergo
242 psychiatric or psychological counseling or participate in an animal
243 cruelty prevention and education program provided such a program
244 exists and is available to the defendant.

245 (e) If the court orders the defendant to participate in a hate crimes
246 diversion program as a condition of probation, the defendant shall pay
247 to the court a participation fee of four hundred twenty-five dollars. No
248 person may be excluded from such program for inability to pay such
249 fee, provided (1) such person files with the court an affidavit of
250 indigency or inability to pay, (2) such indigency or inability to pay is

251 confirmed by the Court Support Services Division, and (3) the court
252 enters a finding thereof. The Judicial Department shall contract with
253 service providers, develop standards and oversee appropriate hate
254 crimes diversion programs to meet the requirements of this section.
255 Any defendant whose employment or residence makes it unreasonable
256 to attend a hate crimes diversion program in this state may attend a
257 program in another state which has standards substantially similar to,
258 or higher than, those of this state, subject to the approval of the court
259 and payment of the application and program fees as provided in this
260 section. The hate crimes diversion program shall consist of an
261 educational program and supervised community service.

262 (f) If a defendant released to the custody of the Court Support
263 Services Division satisfactorily completes such defendant's period of
264 probation, such defendant may apply for dismissal of the charges
265 against such defendant and the court, on finding such satisfactory
266 completion, shall dismiss such charges. If the defendant does not apply
267 for dismissal of the charges against such defendant after satisfactorily
268 completing such defendant's period of probation, the court, upon
269 receipt of a report submitted by the Court Support Services Division
270 that the defendant satisfactorily completed such defendant's period of
271 probation, may on its own motion make a finding of such satisfactory
272 completion and dismiss such charges. If a defendant transferred to the
273 court handling the criminal docket for drug-dependent persons
274 satisfactorily completes such defendant's period of supervision, the
275 court shall release the defendant to the custody of the Court Support
276 Services Division under such conditions as the court shall order or
277 shall dismiss such charges. Upon dismissal, all records of such charges
278 shall be erased pursuant to section 54-142a. An order of the court
279 denying a motion to dismiss the charges against a defendant who has
280 completed such defendant's period of probation or supervision or
281 terminating the participation of a defendant in such program shall be a
282 final judgment for purposes of appeal.

283 (g) Not later than January 15, 2016, the Court Support Services
284 Division shall submit a report detailing the total number of (1)

285 veterans, and (2) nonveterans for whom, in the preceding calendar
286 year, the court has invoked or denied the pretrial program for
287 accelerated rehabilitation pursuant to this section to the joint standing
288 committees of the General Assembly having cognizance of matters
289 relating to veterans' and military affairs and the judiciary, in
290 accordance with the provisions of section 11-4a.

291 Sec. 4. Section 54-56i of the general statutes is repealed and the
292 following is substituted in lieu thereof (*Effective from passage*):

293 (a) There is established a pretrial drug education and community
294 service program for persons charged with a violation of section
295 21a-267, 21a-279 or 21a-279a. The drug education and community
296 service program shall include a fifteen-week drug education program
297 and a substance abuse treatment program of not less than fifteen
298 sessions, and the performance of community service.

299 (b) Upon application by any such person for participation in such
300 program and payment to the court of an application fee of one
301 hundred dollars and a nonrefundable evaluation fee of one hundred
302 fifty dollars, the court shall, but only as to the public, order the court
303 file sealed. A person shall be ineligible for participation in such pretrial
304 drug education and community service program if such person has
305 twice previously participated in (1) the pretrial drug education
306 program established under the provisions of this section in effect prior
307 to October 1, 2013, (2) the community service labor program
308 established under section 53a-39c, (3) the drug education and
309 community service program established under this section, or (4) any
310 of such programs, except that the court may allow a person who has
311 twice previously participated in such programs to participate in the
312 pretrial drug education and community service program one
313 additional time, for good cause shown. The evaluation and application
314 fee imposed under this subsection shall be credited to the pretrial
315 account established under section 54-56k.

316 (c) The court, after consideration of the recommendation of the
317 state's attorney, assistant state's attorney or deputy assistant state's

318 attorney in charge of the case, may, in its discretion, grant such
319 application. If the court grants such application, the court shall refer
320 such person (1) to the Court Support Services Division for
321 confirmation of the eligibility of the applicant, (2) to the Department of
322 Mental Health and Addiction Services for evaluation and
323 determination of an appropriate drug education or substance abuse
324 treatment program for the first or second time such application is
325 granted, and (3) to a state-licensed substance abuse treatment program
326 for evaluation and determination of an appropriate substance abuse
327 treatment program for the third time such application is granted,
328 except that, if such person is a veteran, the court may refer such person
329 to the Department of Veterans' Affairs or the United States Department
330 of Veterans Affairs, as applicable, for any such evaluation and
331 determination. For the purposes of this subsection and subsection (d)
332 of this section, "veteran" means any person who was discharged or
333 released under conditions other than dishonorable from active service
334 in the armed forces as defined in section 27-103.

335 (d) (1) (A) Upon confirmation of eligibility and receipt of the
336 evaluation and determination required under subsection (c) of this
337 section, such person shall be placed in the drug education and
338 community service program and referred by the Court Support
339 Services Division for the purpose of receiving appropriate drug
340 education services or substance abuse treatment program services, as
341 recommended by the evaluation conducted pursuant to subsection (c)
342 of this section and ordered by the court, to the Department of Mental
343 Health and Addiction Services or to a state-licensed substance abuse
344 treatment program for placement in the appropriate drug education or
345 substance abuse treatment program, except that, if such person is a
346 veteran, the division may refer such person to the Department of
347 Veterans' Affairs or the United States Department of Veterans Affairs,
348 subject to the provisions of subdivision (2) of this subsection.

349 (B) Persons who have been granted entry into the drug education
350 and community service program for the first time shall participate in
351 either a fifteen-week drug education program or a substance abuse

352 treatment program of not less than fifteen sessions, as ordered by the
353 court on the basis of the evaluation and determination required under
354 subsection (c) of this section. Persons who have been granted entry
355 into the drug education and community service program for the
356 second time shall participate in either a fifteen-week drug education
357 program or a substance abuse treatment program of not less than
358 fifteen sessions, as ordered by the court based on the evaluation and
359 determination required under subsection (c) of this section. Persons
360 who have been granted entry into the drug education and community
361 service program for a third time shall be referred to a state-licensed
362 substance abuse program for evaluation and participation in a course
363 of treatment as ordered by the court based on the evaluation and
364 determination required under subsection (c) of this section.

365 (C) Persons who have been granted entry into the drug education
366 and community service program shall also participate in a community
367 service program administered by the Court Support Services Division
368 pursuant to section 53a-39c. Persons who have been granted entry into
369 the drug education and community service program for the first time
370 shall participate in the community service program for a period of five
371 days. Persons who have been granted entry into the drug education
372 and community service program for the second time shall participate
373 in the community service program for a period of fifteen days. Persons
374 who have been granted entry into the drug education and community
375 service program for a third or additional time shall participate in the
376 community service program for a period of thirty days.

377 (D) Placement in the drug education and community service
378 program pursuant to this section shall not exceed one year. Persons
379 receiving substance abuse treatment program services in accordance
380 with the provisions of this section shall only receive such services at
381 state-licensed substance abuse treatment program facilities that are in
382 compliance with all state standards governing the operation of such
383 facilities, except that, if such person is a veteran, such person may
384 receive services from facilities under the supervision of the
385 Department of Veterans' Affairs or the United States Department of

386 Veterans Affairs, subject to the provisions of subdivision (2) of this
387 subsection.

388 (E) Any person who enters the drug education and community
389 service program shall agree: (i) To the tolling of the statute of
390 limitations with respect to such crime; (ii) to a waiver of such person's
391 right to a speedy trial; (iii) to complete participation in the drug
392 education and community service program, as ordered by the court;
393 (iv) to commence participation in the drug education and community
394 service program not later than ninety days after the date of entry of the
395 court order unless granted a delayed entry into the program by the
396 court; and (v) upon completion of participation in the drug education
397 and community service program, to accept (I) placement in a treatment
398 program upon the recommendation of a provider under contract with
399 the Department of Mental Health and Addiction Services or a provider
400 under the supervision of the Department of Veterans' Affairs or the
401 United States Department of Veterans Affairs, or (II) placement in a
402 treatment program that has standards substantially similar to, or
403 higher than, a program of a provider under contract with the
404 Department of Mental Health and Addiction Services, if the Court
405 Support Services Division deems it appropriate.

406 (2) The Court Support Services Division may only refer a veteran to
407 the Department of Veterans' Affairs or the United States Department of
408 Veterans Affairs for the receipt of services under the program if (A) the
409 division determines that such services will be provided in a timely
410 manner under standards substantially similar to, or higher than,
411 standards for services provided by the Department of Mental Health
412 and Addiction Services under the program, and (B) the applicable
413 department agrees to submit timely program participation and
414 completion reports to the division in the manner required by the
415 division.

416 (e) If the Court Support Services Division informs the court that
417 such person is ineligible for the program and the court makes a
418 determination of ineligibility or if the program provider certifies to the

419 court that such person did not successfully complete the assigned
420 program and such person did not request, or the court denied,
421 reinstatement in the program under subsection (i) of this section, the
422 court shall order the court file to be unsealed, enter a plea of not guilty
423 for such person and immediately place the case on the trial list.

424 (f) If such person satisfactorily completes the assigned program,
425 such person may apply for dismissal of the charges against such
426 person and the court, on reviewing the record of such person's
427 participation in such program submitted by the Court Support
428 Services Division and on finding such satisfactory completion, shall
429 dismiss the charges. If such person does not apply for dismissal of the
430 charges against such person after satisfactorily completing the
431 assigned program, the court, upon receipt of the record of such
432 person's participation in such program submitted by the Court
433 Support Services Division, may on its own motion make a finding of
434 such satisfactory completion and dismiss the charges. Upon motion of
435 such person and a showing of good cause, the court may extend the
436 placement period for a reasonable period of time to allow such person
437 to complete the assigned program. A record of participation in such
438 program shall be retained by the Court Support Services Division for a
439 period of ten years from the date the court grants the application for
440 participation in the program.

441 (g) At the time the court grants the application for participation in
442 the pretrial drug education and community service program, any
443 person ordered to participate in the drug education program shall pay
444 to the court a nonrefundable program fee of six hundred dollars. If the
445 court orders participation in a substance abuse treatment program,
446 such person shall pay to the court a nonrefundable program fee of one
447 hundred dollars and shall be responsible for the costs associated with
448 such program. No person may be excluded from any such program for
449 inability to pay such fee or cost, provided (1) such person files with the
450 court an affidavit of indigency or inability to pay, (2) such indigency or
451 inability to pay is confirmed by the Court Support Services Division,
452 and (3) the court enters a finding thereof. The court may waive all or

453 any portion of such fee depending on such person's ability to pay. If
454 the court finds that a person is indigent or unable to pay for a
455 substance abuse treatment program, the costs of such program shall be
456 paid from the pretrial account established under section 54-56k. If the
457 court denies the application, such person shall not be required to pay
458 the program fee. If the court grants the application, and such person is
459 later determined to be ineligible for participation in such pretrial drug
460 education and community service program or fails to complete the
461 assigned program, the program fee shall not be refunded. All program
462 fees shall be credited to the pretrial account established under section
463 54-56k.

464 (h) If a person returns to court with certification from a program
465 provider that such person did not successfully complete the assigned
466 program or is no longer amenable to treatment, the provider, to the
467 extent practicable, shall include a recommendation to the court as to
468 whether placement in a drug education program or placement in a
469 substance abuse treatment program would best serve such person's
470 needs. The provider shall also indicate whether the current program
471 referral was an initial referral or a reinstatement to the program.

472 (i) When a person subsequently requests reinstatement into a drug
473 education program or a substance abuse treatment program and the
474 Court Support Services Division verifies that such person is eligible for
475 reinstatement into such program and thereafter the court favorably
476 acts on such request, any person reinstated into the drug education
477 program shall pay a nonrefundable program fee of two hundred fifty
478 dollars, and any person reinstated into a substance abuse treatment
479 program shall be responsible for the costs, if any, associated with being
480 reinstated into the treatment program. Unless good cause is shown,
481 such program fee shall not be waived. All program fees collected in
482 connection with a reinstatement to a drug education program shall be
483 credited to the pretrial account established under section 54-56k. No
484 person shall be permitted more than two program reinstatements
485 pursuant to this subsection.

486 (j) The Department of Mental Health and Addiction Services shall
 487 develop standards and oversee appropriate drug education programs
 488 that it administers to meet the requirements of this section and may
 489 contract with service providers to provide such programs. The
 490 department shall adopt regulations, in accordance with chapter 54, to
 491 establish standards for such drug education programs.

492 (k) Any person whose employment or residence or schooling makes
 493 it unreasonable to attend a drug education program or substance
 494 abuse treatment program in this state may attend a program in another
 495 state that has standards similar to, or higher than, those of this state,
 496 subject to the approval of the court and payment of the program fee or
 497 costs as provided in this section.

498 (l) Not later than January 15, 2016, the Court Support Services
 499 Division shall submit a report detailing the number of (1) veterans, and
 500 (2) nonveterans who, in the preceding calendar year, were granted or
 501 denied placement in the pretrial drug education and community
 502 service program pursuant to this section to the joint standing
 503 committees of the General Assembly having cognizance of matters
 504 relating to veterans' and military affairs and the judiciary, in
 505 accordance with the provisions of section 11-4a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	New section
Sec. 2	<i>from passage</i>	54-56l
Sec. 3	<i>from passage</i>	54-56e
Sec. 4	<i>from passage</i>	54-56i

VA Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
State Comptroller - Fringe Benefits ¹	GF - Cost	243,250	298,260
Mental Health & Addiction Serv., Dept.	GF - Cost	1,815,200	1,941,700

Municipal Impact: None

Explanation

The bill will result in a cost of approximately \$2.1 million in FY 16 and \$2.2 million FY 17 associated with requiring the Department of Mental Health and Addiction Services (DMHAS) to administer a jail diversion program for certain veterans in each geographical area court facility in the state. Costs support 17 clinicians (one in each location as specified under the bill), totaling \$1,731,300 in FY 16² and \$1,854,000 in FY 17, and a Behavioral Health Program Manager at an annual salary of \$83,900 in FY 16 and \$87,700 in FY 17. Associated fringe costs total \$243,250 in FY 16 and \$298,260 in FY 17.

The bill also requires the Judicial Department Court Support Services Division to submit reports about veteran participation in specified diversionary programs and does not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 38.65% of payroll in FY 16 and FY 17.

² Assumes start date of September 1, 2015 for all clinicians.

OLR Bill Analysis**sSB 1015*****AN ACT CONCERNING PROGRAMS FOR VETERANS IN THE CRIMINAL JUSTICE SYSTEM.*****SUMMARY:**

This bill requires the Department of Mental Health and Addiction Services (DMHAS) to develop and administer a jail diversion program for veterans with trauma-related symptoms. The program's purpose is to divert or refer such veterans from the criminal justice system into treatment and recovery services. The program must (1) be modeled after the New London Judicial District's Veterans' Jail Diversion Program and (2) include a DMHAS representative specializing in veterans' jail diversion in each of the state's geographical area court facilities.

The bill also requires the Judicial Branch's Court Support Services Division (CSSD) to report, by January 15, 2016, to the Judiciary and Veterans' Affairs committees, the number of veterans and nonveterans admitted or denied admission to certain pretrial diversionary programs during the preceding calendar year. CSSD must report these statistics for the (1) pretrial supervised diversionary program for individuals with psychiatric disabilities and veterans, (2) accelerated rehabilitation program, and (3) pretrial drug education and community service program.

EFFECTIVE DATE: October 1, 2015 for the DMHAS diversion program and upon passage for the CSSD reporting requirements.

BACKGROUND***New London Veterans' Diversionary Program***

In 2008, DMHAS was awarded a five-year \$2 million federal grant to establish a jail diversion program for veterans with trauma-related

symptoms. DMHAS continued to run the program after the federal grant expired in 2014.

The program allows veterans who are interested in participating to be released from jail on the condition of complying with the program, which includes treatment plans that may include substance abuse treatment; mental health counseling; and in severe mental health cases, hospitalization.

Pretrial Diversionary Programs

Under Connecticut's criminal justice system, criminal defendants may avoid prosecution and incarceration by successfully completing court-sanctioned community-based treatment programs (called diversionary programs) before trial. Participants waive their right to a speedy trial and agree to a tolling of the statute of limitations. A defendant who does not complete or is ineligible for the program is brought to trial.

Psychiatric Disabilities Diversionary Program. CSSD administers a pretrial supervised diversionary program for criminal defendants with psychiatric disabilities who have been charged with relatively minor crimes and motor vehicle offenses. The law grants eligibility to veterans with mental health conditions amenable to treatment even if they do not have a psychiatric disability.

Accelerated Rehabilitation. Under this program, the court places participants under the supervision of the Office of Adult Probation for up to two years. If they successfully complete the program, the court dismisses the charges against them and erases their record. If they violate a condition of the program, they are brought to trial on the original charges. A person is ineligible for the program if he or she is charged with certain crimes. A veteran may participate twice, instead of only once as allowed by law for nonveterans.

Pretrial Drug Education Program. The pretrial drug education program provides 10- and 15-session drug intervention programs and substance abuse treatment programs to defendants charged with

possession of drugs or drug paraphernalia. A veteran may be sent to a state or federal Veterans' Affairs Department facility for evaluation and treatment.

COMMITTEE ACTION

Veterans' Affairs Committee

Joint Favorable Substitute

Yea 14 Nay 0 (03/05/2015)